UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,	)	Magistrate Docket No. **08 MJ 0760**
Plaintiff,	)	
v.	)	COMPLAINT FOR VIOLATION OF:
Jesus BACA-Hernandez,	)	Title 8, U.S.C., Section 1326 Deported Alien Found in the United States
Defendant	)	

The undersigned complainant, being duly sworn, states:

On or about **March 9, 2008,** within the Southern District of California, defendant, **Jesus BACA-Hernandez,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **11th** DAY OF **March 2008.**

Louisa S. Porter
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Jesus BACA-Hernandez

PROBABLE CAUSE STATEMENT

On March 9, 2008 at approximately 10:15 AM, Border Patrol Agent J. Welch, who was operating a remote video surveillance system, advised agents via service radio that he had observed a group of nine individuals near the area commonly known as, "Washer Woman's." This area is approximately one mile east of the San Ysidro, California, Port of Entry. While performing line watch operations Border Patrol Agent R. Gulley responded to the area. After a brief search he found nine individuals including one later identified as the defendant **Jesus BACA-Hernandez**, hiding in thick brush approximately 100 yards north of the United States/Mexico International Boundary Fence. Agent Gulley identified himself as a Border Patrol Agent, and conducted an immigration inspection. All nine admitted to being citizens and nationals of Mexico illegally in the United States without any documents that would allow them to enter or remain in the United States. Agent Gulley placed the defendant under arrest at 10:30 AM and transported him to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **February 26, 2008,** through the Port of Entry at **Calexico, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United Sates. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.